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LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NAHUM HORTON, #12002203,

Plaintiff,

-against-

**ORDER TO SHOW CAUSE**  
13-CV-00103(SJF)(ARL)

NASSAU COUNTY SHERIFF'S DEPARTMENT,

Defendant.

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FEUERSTEIN, District Judge:

On January 3, 2013, incarcerated *pro se* plaintiff Nahum Horton ("plaintiff") filed a complaint in this Court pursuant to 42 U.S.C. § 1983 ("Section 1983") against defendant Nassau County Sheriff's Department ("defendant"), accompanied by an application to proceed *in forma pauperis*. By order dated May 9, 2013, plaintiff's application to proceed *in forma pauperis* was granted; the complaint was *sua sponte* dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief; plaintiff was granted leave to file an amended complaint on or before June 12, 2013; and plaintiff was advised that his failure to file an amended complaint in accordance with that order would result in the complaint being deemed dismissed in its entirety with prejudice. The Clerk of the Court served notice of entry of the May 9, 2013 order upon plaintiff by mailing a copy thereof to him at his address of record, i.e., the Nassau County Correctional Center, 100 Carman Avenue, East Meadow, New York 11554. On June 7, 2013, the Clerk's mailing was returned to the Court with the following notation on the envelope: "Return to Sender. Not Deliverable as Addressed. Unable to Forward."

By order dated July 29, 2013, (1) plaintiff was directed to file an affidavit providing the Court with a new address and telephone number at which he can be contacted during the course of this litigation on or before September 3, 2013; (2) the time for plaintiff to file an amended complaint in accordance with the May 9, 2013 order was extended until September 3, 2013; and

(3) plaintiff was advised that his failure to file an affidavit or amended complaint in accordance with that order would result in his complaint being dismissed in its entirety with prejudice. The Clerk of the Court served notice of entry of the July 29, 2013 order upon plaintiff by mailing a copy thereof to him at his address of record, i.e., the Nassau County Correctional Center, 100 Carman Avenue, East Meadow, New York 11554, and leaving a copy thereof with the Clerk of the Court. On August 8, 2013, the Clerk's mailing was returned to the Court with the following notation on the envelope: "Return to Sender. Not Deliverable as Addressed. Unable to Forward."

Since plaintiff has not taken any steps to prosecute this action, or to otherwise communicate with the Court, for over six (6) months; has not filed a notice of change of address, or otherwise apprised the Court of his current whereabouts or contact information; and has not filed an affidavit or amended complaint in accordance with this Court's two (2) prior orders, the complaint is dismissed in its entirety with prejudice pursuant to Rules 37(b)(2)(A)(v) and 41(b) of the Federal Rules of Civil Procedure. The Clerk of the Court shall enter judgment in favor of defendant, close this case and serve notice of entry of this order upon all parties pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L.Ed. 2d 21 (1962).

**SO ORDERED.**

s/ Sandra J. Feuerstein

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Sandra J. Feuerstein  
United States District Judge

Dated: September 9, 2013  
Central Islip, New York